

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

DAWN MELISSA DAIGRE

PLAINTIFF

VS.

CIVIL ACTION NO.: 1:10-cv-00568(LG)(RHW)

**CITY OF WAVELAND, MISSISSIPPI, A
MUNICIPAL CORPORATION, CHIEF JAMES
A. VARNELL, OFFICER HENRY BOUGANIM,
SERGEANT CLAY NECAISE, OFFICER
CHRISTOPHER ALLEN, AND OFFICER
JOSHUA POYADOU, INDIVIDUALLY AND IN
THEIR OFFICIAL CAPACITIES AS POLICE
OFFICERS WITH THE CITY OF
WAVELAND, MISSISSIPPI**

DEFENDANTS

JOINT MOTION FOR EXTENSION OF DEADLINES

The parties, Plaintiff Dawn Melissa Daigre and Defendants, the City of Waveland, Mississippi, James A. Varnell, Henry Bouganim, Clay Necaise, Christopher Allen and Joshua Poyadou (collectively, the “Municipal Defendants”), by and through their undersigned counsel, submit this Joint Motion for an Extension of Deadlines. In support of said Motion, the parties would show as follows:

1. Pursuant to this Court’s amended scheduling order, the current deadline for the completion of discovery was December 23, 2011 and the deadline for submission of motions is December 30, 2011. This Court previously entered an order extending the discovery and motions deadlines and continuing trial. Since that order was entered, both parties have made diligent efforts to complete discovery in a factually complex case. In particular, the parties have accommodated one another’s schedules and have worked through exigencies, such as the illness of deponents on deposition dates.

2. Following the final round of depositions on December 19th, Plaintiff Dawn Daigre's counsel identified certain of the Municipal Defendants' discovery responses that they believe warrant supplementation. Plaintiff filed a motion to compel supplementation on December 23rd. Municipal Defendants deny that a motion to compel is proper, but have agreed to review their discovery responses and supplement them as necessary. In addition, on December 23rd, Plaintiff served additional written discovery requests based on information obtained in depositions. While the Municipal Defendants maintain that these additional requests were untimely, they have agreed to provide a response if the discovery deadline is extended.

3. In short, both parties would prefer to try to resolve these discovery disputes amicably and to place all the cards on the table prior to the motions deadline.

4. To that end, the parties respectfully request an extension of the deadline for the completion of discovery up to and including February 29, 2012, and an extension of the deadline for filing of motions up to and including March 14, 2012. This extension will give the parties sufficient time to identify and produce any supplemental records that may be warranted, to review the same, and to confer in good faith about the sufficiency of supplemental responses.

5. The parties further respectfully request that the pretrial conference and trial in this case, currently set for April 18, 2012 and May 7, 2012, respectively, be continued to such date as the Court deems appropriate. The parties would also respectfully request that the settlement conference currently scheduled for January 10, 2012 be rescheduled for a time after summary judgment briefs have been filed, as the parties are likely to have a clearer appraisal of the relative strengths and weaknesses of the case at that time.

6. Should the Court grant this motion, Plaintiff Dawn Daigre has agreed to withdraw her pending motion to compel supplementation of discovery. In exchange, the Municipal

Defendants have agreed not to oppose the re-filing of said motion on grounds of this voluntary dismissal, should the parties find themselves unable to agree on discovery issues. However, both parties agree to make every good faith effort to resolve discovery issues voluntarily and avoid the need for further motions.

7. In the alternative, should this motion be denied, the Municipal Defendants would respectfully request that the deadline for filing of motions be extended by one week, up to and including January 6, 2011.

8. This motion is not being made for purposes of harassment or delay, but to allow the parties time to resolve outstanding discovery disputes and file dispositive motions based on a clean record.

WHEREFORE, PREMISES CONSIDERED, the parties respectfully request that this Court grant their Motion for Extension of Deadlines and enter an order (1) extending the deadline for completion of discovery up to and including February 29, 2012; and (2) extending the deadline for the filing of motions up to and including March 14, 2012; (3) continuing the settlement conference, pretrial conference, and trial to such dates as the Court deems appropriate.

THIS, the 28th day of December, 2011.

Respectfully submitted,

BY: J. Christopher Alexander, Sr.

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DEFENDANTS**

CERTIFICATE OF SERVICE

I, W. BRETT HARVEY, do hereby certify that I have this date electronically filed the foregoing *JOINT MOTION* with the Clerk of the Court via ECF, which forwarded notice of the same via email to the following counsel:

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THIS, the 28th day of December, 2011.

/s/W. Brett Harvey
W. BRETT HARVEY